



August 30, 1999

Ms. Victoria T. Huynh
Assistant City Attorney I
City of Plano
P.O. Box 860358
Plano, Texas 75086-0358

OR99-2440

Dear Ms. Huynh:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127145.

The City of Plano (the "city") received a request for "copies of any and all affidavits or other documents regarding [sic] Emergency Protection Order issued June 1, 1999 on Rodney Michael Shirley Sr." You contend that the requested documents are records of the judiciary and are, therefore, not subject to disclosure under the Public Information Act. Alternatively, you contend that the requested documents are excepted from disclosure under section 552.101 of the Government Code.

You explain that

documents on which the [Emergency Protection] Order was based are being maintained by the [Municipal Court] Judge's office and not included in the case file of the criminal offense to be handled in County Court. Being documents used and maintained solely by the judiciary, these documents should be classified as such and not be subjected to the Act.

Based on these statements, we conclude that the documents at issue are records of the judiciary and are, therefore, not subject to the disclosure under the Public Information Act. See Gov't Code § 552.003(1)(B) (the Public Information Act does not apply to records of the

judiciary). Please note that judicial records maintained by a judicial agency are subject to disclosure under Rule 12 of the Texas Rules of Judicial Administration, not the Public Information Act.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in cursive script, reading "Karen Hattaway".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 127145

Encl. Submitted documents

cc: Mr. Marston Alexander
Attorney at Law
6211 W. Northwest Highway, Suite 251
Dallas, Texas 75225
(w/o enclosures)